

**REMARKS**

Claims 1, 3-7 and 9-22 are pending in this application.

By this Amendment, claims 1, 7, 13, 14, 18 and 22 have been amended to even more clearly distinguish over the applied references, mainly Miller and Berman.

No new matter is added by this Amendment. Support for the language added to the claims may be found in the original specification, claims and figures. In particular, support for the language added to claims 1, 7, 13, 14, 18 and 22 may be found in, for example, Figures 4-7.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Arshad and Supervisory Examiner Kincaid in the August 26, 2004 interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection and during the August 26, 2004 Examiner interview. Entry of the amendments is thus respectfully requested.

**I. Information Disclosure Statement**

Applicants filed an Information Disclosure Statement (IDS) on March 19, 2001. As a courtesy to the Examiner, Applicants enclosed a copy of the Form PTO-1449 with the Amendment filed in the U.S. Patent and Trademark Office on April 13, 2004. Applicants again respectfully request the Examiner to acknowledge having considered the reference cited

in the IDS. Applicants again attach hereto a copy of the Form PTO-1449 previously submitted with the March 19, 2001 IDS and respectfully request the Examiner to initial the reference cited therein and to return the Form with the next communication.

**II. Rejections Under 35 U.S.C. §103(a)**

**A. Miller in view of Berman**

Claims 1, 3-7 and 9-14, 18 and 22 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,661,437 (hereinafter "Miller") in view of U.S. Patent No. 5,845,124 (hereinafter "Berman"). This rejection is respectfully traversed.

Claims 1 and 14, 7 and 18, and 13 and 22 each recite an operating method, an operating device and an image processing apparatus having an operating device, respectively, for sequentially performing settings for plural items in predetermined order comprising, in part, displaying all of the plural items in a single display when one of the plural setting frames is displayed wherein items which have been already set along with their set parameters, items which are being set along with parameters to choose from, and items which have not yet been set are displayed so as to be distinguishable from one another.

The Patent Office acknowledges that Miller does not teach that items which have been already set, items which are being set and items which have not yet been set are displayed so as to be distinguishable from one another. However, the Patent Office alleges that Berman remedies this deficiency. Applicants respectfully disagree.

As noted by the Patent Office, Berman discloses "that while on a display screen the symbolic representations of the regions (or fields) previously defined and the region currently being defined can be distinguished by a combination of contrasting colors and/or visual indicators, the embodiments illustrated . . . use three different contrasting shades." See col. 8, lines 1-13. Although Berman discloses being able to distinguish previously defined fields from fields to be defined in a display screen, nowhere does Berman teach or suggest showing

what are the defined fields. That is, nowhere does Berman teach or suggest displaying how the fields have been defined and the parameters for the field currently being defined and the fields to be defined.

In other words, nowhere does Miller, alone or in combination with Berman, teach or suggest displaying all of the plural items in a single display when one of the plural setting frames is displayed wherein items which have been already set along with set parameters, items which are being set along with parameters to choose from, and items which have not yet been set are displayed so as to be distinguishable from one another, as recited by each of claims 1, 7, 13, 14, 18 and 22.

Furthermore, Miller fails to teach or suggest displaying all of the plural items in a single display. As acknowledged by the Patent Office, Miller does not teach that items which have been already set and items which have not yet been set are displayed so as to be distinguishable from one another. However, the Patent Office alleges that Berman teaches this limitation at col. 8, lines 1-13. Specifically, the Patent Office alleges that it is inherent that items which have not yet been defined are displayed as regular lines if there are three different contrasting shades, and items which are currently being defined are depicted with solid bold lines and items which have been previously defined are depicted with dotted bold lines.

Even if one of ordinary skill in the art could have found the limitations that items which have been already set and items which have not yet been set are displayed so as to be distinguishable from one another are taught by Berman, and would have somehow combined the references, the presently claimed features still would not have been achieved. Specifically, nothing in Miller or Berman, alone or in combination, teach or suggest displaying all the plural items in a single display.

On the contrary, Miller discloses a plurality of different on-screen user interface displays, for example, one screen allows a user to control operation of a television (see col. 7, lines 26-28), another screen allows a user to adjust audio characteristics (see col. 7, lines 61-63), etc. See Figs. 7-10. More specifically, Miller discloses various displays, not a single display wherein all the plural items are displayed and wherein items which have been already set along with set parameters, items which are being set along with parameters to choose from, and items which have not yet been set are displayed so as to be distinguishable from one another.

Further, nothing in Berman remedies the deficiencies of Miller discussed above. In fact, Berman teaches away from all the plural items being displayed. Specifically, Berman teaches that "an important aspect of the present invention is that a full or complete network configuration schematic, such as that of Fig. 3, need not be displayed to the user." See col. 7, lines 43-46 of Berman.

Accordingly, nothing in Miller or Berman, alone or in combination, teach or suggest that all the plural items are displayed in a single display, wherein items which have been already set along with their set parameters, items which are being set along with parameters to choose from, and items which have not yet been set are displayed so as to be distinguishable from one another, as recited in each of claims 1, 7, 13, 14, 18, and 22.

For the foregoing reasons, Applicants respectfully submit that claims 1, 7, 13, 14, 18, and 22, as well as the claims dependent therefrom, are allowable. Reconsideration and withdrawal of this rejection are thus respectfully requested.

**B. Miller in view of Berman and further in view of Shiels**

Claims 15 and 19 were rejected under 35 U.S.C. §103(a) over Miller in view of Berman and further in view of U.S. Patent No. 5,751,953 (hereinafter "Shiels"). This rejection is respectfully traversed.

Claim 15 depends from claim 14 and adds that after the processing operation of the processor is executed, an instruction can be provided as to whether the contents set for the plural items are maintained or the contents set are cleared.

Claim 19 depends from claim 18 and adds an instructing unit that makes an instruction as to whether the contents set for the plural items are maintained or the contents set are cleared after the processing operation of the processor is executed.

Even if one of ordinary skill in the art could have found Shiels to teach the subject matter of claims 15 and 19 and could have somehow combined Shiels with Miller and Berman, the presently claimed features still would not have been achieved. Specifically, as discussed above, nothing in Miller or Berman, alone or in combination, teach or suggest that all the plural items are displayed in a single display wherein items which have been already set along with their set parameters, items which are being set along with parameters to choose from, and items which have not yet been set are displayed so as to be distinguishable from one another, as recited in claims 14 and 18. Nothing in Shiels remedies this deficiency. That is, nothing in the combined teachings of Miller, Berman and Shiels would have led one of ordinary skill in the art to the invention of claims 14 and 18.

Accordingly, Applicants respectfully submit that Miller, Berman and Shiels, whether taken alone or in combination, fail to render obvious claims 14 and 18, or either of depending claims 15 and 19. Reconsideration and withdrawal of this rejection are thus respectfully requested.

**C. Fado in view of Miller**

Claims 16, 17, 20 and 21 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,067,084 (hereinafter "Fado") in view of Miller. This rejection is respectfully traversed.

Claim 16 recites an operating method for sequentially performing settings for plural items in predetermined order to perform the setting for a processor, the method comprising:

enabling provision of instruction by a user for all the settings for the plural items to be initial settings.

Claim 20 recites an operating device for sequentially performing settings for plural items in predetermined order to perform settings for a processor, the device comprising: an instructing unit that instructs all the settings for the plural items to be initial settings based on a user command.

The Patent Office references col. 7, lines 33-42 of Fado and alleges that Fado teaches an operating method for sequentially performing settings for plural items in a predetermined order to perform the setting for a processor. The Patent Office acknowledges that Fado does not teach enabling provision of instruction by a user of modifying settings for a processor.

Applicants submit there is no motivation to combine the references as suggested by the Patent Office. At col. 7, lines 33-42, Fado teaches "the audio mixer is initially configured in accordance with step of block 8. Without any interface with the user, and depending on the type of audio mixer, the tool deselects or mutes the microphone playback mixer control and all reconfiguring mixer controls other than the master and microphone controls." See Fado, col. 7 lines 34-39 (emphasis added). Thus, Fado directs one away from any user interface whereas claims 16 and 20 require user interaction.

Furthermore, Fado is directed to configuring microphones in an audio interface to help a user properly configure and adjust their microphone and audio settings. Fado is not directed to a hierarchical menu graphical user interface (Miller) or sequentially performing settings for plural items in predetermined order to perform the setting for a processor, as presently claimed. The Patent Office has failed to show any motivation as to why a skilled artisan would modify an invention directed to configuring microphones to perform settings for a processor.

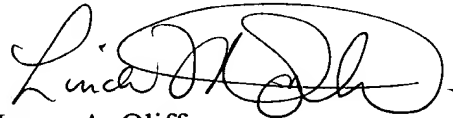
For the foregoing reasons, there is no motivation for one skilled in the art to combine Fado with Miller as suggested by the Patent Office. Further, even if Fado were somehow modified as suggested by the Patent Office, Fado with or without Miller would still fail to teach or suggest the subject matter of claims 16 and 20 or of depending claims 17 and 21. Reconsideration and withdrawal of the rejection are thus respectfully requested.

**III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3-7, 9-22 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Linda M. Saltiel  
Registration No. 51,122

JAO:LMS/hs

Date: October 4, 2004

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--